

IN THE SENATE OF THE UNITED STATES.

MAY 28, 1896.—Ordered to be printed.

Mr. PASCO, from the Committee on Private Land Claims, submitted the following

REPORT:

[To accompany S. 1178.]

The Committee on Private Land Claims, to whom was referred the bill (S. 1178) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia, have carefully considered the same and submit the following report thereon:

This claim is for certain lands in Iberia Parish, La., described as section 39 in township 11 south, range 6 east, and section 56 in township 12 south, range 6 east, containing 273.91 acres. It was presented according to the requirements of an act to adjust private land claims in Louisiana and other States, approved June 22, 1860, and a subsequent act, approved June 10, 1872, extending the provisions of the former act, and was found by the commissioners acting under these acts to belong to the class of claims which ought to be confirmed.

The history of the case appears in a report made by J. A. Williamson, Commissioner of the General Land Office, to the Secretary of the Interior, March 18, 1881, and by him transmitted to Congress, which is here inserted as a part of this report:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
*Washington, D. C., March 18, 1881.*

SIR: I have the honor to submit herewith, to be transmitted to Congress, pursuant to the requirement of the fifth section of the act of June 22, 1860 (12 Stat. L., 85), as extended by the act of June 10, 1872 (17 Stat. L., 378), the report of the register and receiver at the consolidated land office, New Orleans, acting as commissioners under said acts, in the case of the claim of Raphael Segura, designated in said report as claim No. 6, supplemental of class 1, as classified under section 2 of said act of 1860.

The land claimed is described as section 39 in township 11 south and section 56 in township 12 south, range 6 east, in the parish of Iberia, southwestern district of Louisiana, containing 273.91 acres.

The claimant embraces in his notice and petition a detailed statement of his claim, and in substance an abstract of his title, all of which is verified by his oath, and appends to the same the evidence upon which he relies to establish the same, bringing his application within the first section of the act of 1860 aforesaid, under which it is presented. The register and receiver recommend the confirmation of the claim.

The title is alleged to have originated in a permission to settle, granted by the Spanish authorities about the year 1781 to Joseph Romero, a larger tract, of which the land claimed was a part. The documents produced to establish the origin of title and trace the ownership to the claimant are as follows:

(1) Diagram certified from the plats of the public surveys of townships 11 and 12 south, range 6 east, on which the tract claimed is marked, "Romero and Segoura" (p. 7).

(2) Notice by Louis de Blanc in behalf of Antoine Romero, dated May 16, 1808, claiming a tract of land lying on Lake Tasse, containing  $3\frac{1}{2}$  acres front by 40 in depth, by virtue of a right of settlement, according to the second section of the act of Congress for ascertaining and adjusting titles, etc., the claimant having inhabited and cultivated the land for ten years preceding, and his being one of the Spanish families put in possession by the surveyors for the Spanish Government (p. 8).

(3) Depositions of Louis de la Houssaye, taken January 18, 1809, in above claim, in which he deposes that the land claimed was settled by the father of the claimant about twenty-eight years before that date, and had ever since been inhabited and cultivated by him and his family; that that of the widow Romero (of Joseph Romero) and the claimant, Antoine Romero, was originally one tract of land, and was afterwards divided among the children (p. 8).

This claim by Antoine Romero was made before the old board of commissioners, under the act of March 2, 1805, and upon it and the accompanying depositions was confirmed and reported by the commissioners in their returns of certificates for January, 1812, as "B. 1766." (Am. State Papers, Duff Green's edition, vol. 2, p. 715.)

The parcel confirmed as above is represented upon the diagram (No. 1) as sections 40 and 55, and bounds the tract claimed in this case on the southeast (p. 7).

(4) Extract from procès verbal of sale of the succession of Joseph Romero and Julia Gosseraud, his wife, by J. P. Briant, judge, etc., June 25, 1816, of a parcel of 4 arpents of land described as "lot 2," bounded above by "lot 1" and below by Antoine Romero, to Francisco Segura (p. 10).

(5) Extract from procès verbal of same sale showing sale of parcel described as "lot 1," being 4 arpents front by 40 in depth, bounded above by land of Charles Oliver and below by lands of the estates (that is, of the succession), to Raphael Segura, the claimant herein (p. 12).

(6) Act passed before Paul Briant, judge, etc., August 15, 1818, by which Michel Romero, with his curator ad hoc, received from Francisco Segura 4 arpents of land on the western bank of Lake Tasse by 40 arpents in depth, bounded on one side by land of Raphael Segura and on the other by that of Antoine Romero, in acquittance and discharge of his rights, from the succession of the deceased Joseph Romero, his father, as well as of his deceased mother, Julia Gosseraud (p. 20).

(7) Act of sale before Paul Briant, judge, August 25, 1829, by Michael Romero to Raphael Segura of the 4 arpents described in No. 6. (p. 22.)

The above-mentioned conveyances (four, five, six, and seven) bring the title of Joseph Romero to the land in question down to the claimant in this case.

As to origin of title, the seventh section of the act of June 22, 1860, provides as follows: "That whenever any claim is presented for confirmation under the provisions of this act which has heretofore been presented before any board of commissioners under authority of Congress, the facts reported as proven by the former board shall be taken as true prima facie, and the evidence offered before such former board and remaining of record, shall be admitted on the examination of the claims made under the provisions of this act."

The evidence offered before the old board, which is produced in this case, with the other proof in the transcript, shows, I think, that the land in question was originally part of a tract settled upon by Joseph Romero, and that the parcel confirmed by the old board to Antoine Romero, one of the sons of Joseph Romero, was part of the same tract.

The proof of a "permission to settle" under which form of origin of title the claim is presented, is not express and direct. The notice of the claim of Antoine Romero presented to the old board, founds it upon "a right of settlement;" alleges ten years previous inhabitation and cultivation, and that the claimant's was one of the Spanish families put in possession by the surveyors for the Spanish Government. This notice is not verified.

The deposition of De la Houssaye, which appears to have been the evidence upon which the board made the confirmation, says that the land claimed "was settled by the father of the claimant about twenty-eight years ago" (which would have been in 1781), "and has ever since been occupied by him or his family."

The old board of commissioners for the western district of the Territory of Orleans, confirmed the claim of Antoine Romero as they were empowered to do by the second section of the act of March 2, 1805 (2 Stats. L., 324), and the first section of the supplemental act of April 21, 1806 (2 Stats. L., 391), as stated in their certificate, upon "settlement;" and the fact of settlement having been established from the recognized manner of proceedings and the regulations observed by the Spanish authorities in regard to dispositions of the royal domain, the inference fairly follows that the settlement must have been made upon proper official permission.

Upon this subject the following statement is appended by Thomas F. Riddick, clerk of the board of commissioners for the Territory of Louisiana, to "a list of the different description of claims in Louisiana," addressed to Hon. Jeremiah Morrow, chairman of the Committee of Public Lands, under date of March 26, 1812:

"It is believed that no actual settlement was made in Louisiana without the

express permission of a proper Spanish officer. In fact the known vigilance of that Government was such as to prevent an idea of that kind being entertained a moment; even the subjects of Spain, old residents of the country, were not permitted to travel from one village to another, a distance of not more than 20 miles, without obtaining from the commandant a passport in which was specially stated the road to be traveled, going and returning. Under these circumstances it is impossible that any settlements could have been made without the knowledge of the Government." (Am. St. Papers, Green's Ed., vol. 2, p. 379.)

I am therefore of opinion that the title to the larger tract mentioned (of which the land claimed herein is a part) originated, presumptively, in a "permission to settle" by the Spanish authorities to Joseph Romero, which was followed by settlement, inhabitation, and cultivation by him and his family, and that the ownership of the parcel claimed herein is shown to be in the claimant. I therefore approve the report of the register and receiver and recommend the confirmation of section 39 of township 11 south, and section 56 of township 12 south, both in range 6 east, southwestern district of Louisiana, to Raphael Segura, the claimant.

Very respectfully, your obedient servant,

J. A. WILLIAMSON, *Commissioner.*

Hon. SAMUEL J. KIRKWOOD,  
*Secretary of the Interior.*

Since the case was thus brought to the attention of Congress, bills have been from time to time introduced here to secure a confirmation of the grant upon the facts thus presented, but no final action has ever been taken upon the case. It has been referred on several occasions to the Interior Department, and different Commissioners of the General Land Office have recommended favorable action, and their recommendations have been approved by the Secretary. The grant has been reported as valid by the tribunal authorized to pass upon it, and there seems to be no objection to the confirmation of the lands to the claimant who, according to the Commissioner's report and findings, is the successor of the original grantee.

The committee recommend that the bill do pass.

